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Atorneys for Defendant
MAGNA LEGAL SERVICES, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NAOMI GUYNN-NEUPANE on behalf of
herself and all similarly situated
employees,

Case No.

**DEFENDANT MAGNA LEGAL
SERVICES, LLC'S NOTICE OF
REMOVAL**

Plaintiff,

V.

MAGNA LEGAL SERVICES, LLC;
WILKINS RESEARCH SERVICES, LLC;
and DOES 1 through 50, inclusive.

Defendants.

Complaint Filed: April 10, 2019
Trial Date: TBD

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND PLAINTIFF:

Defendant MAGNA LEGAL SERVICES, LLC, a limited liability company (“Defendant”), by and through the undersigned counsel and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby gives notice of the removal of this lawsuit from the Superior Court of the State of California, County of Monterey County Superior Court, to the United States District Court for the Northern District of California. In support of its Notice of Removal, Defendant respectfully submits to this Honorable Court:

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1 **I. PLEADINGS, PROCESSES, AND ORDERS**

2 1. On or about April 10, 2019, Plaintiff NAOMI GUYNN-NEUPANE
 3 ("Plaintiff") filed an action in the Monterey County Superior Court entitled *NAOMI GUYNN-*
 4 *NEUPANE on behalf of herself and all similarly situated employees v. MAGNA LEGAL SERVICES,*
 5 *LLC; WILKINS RESEARCH SERVICES, LLC*, Monterey County Case No. 19CV001474. A true
 6 and correct copy of the Complaint is attached to the Declaration of Ryan L. Eddings ("Eddings
 7 Decl.") at paragraph 2, Exhibit A.

8 2. Plaintiff's Complaint purportedly asserts nine causes of action for: 1) failure
 9 to provide meal periods, 2) failure to provide rest periods, 3) failure to pay hourly and overtime
 10 wages, 4) failure to pay minimum wage, 5) failure to comply with itemized employee wage
 11 statement requirements, 6) failure and refusal to pay agreed wages, 7) failure to pay all wages upon
 12 termination, 8) failure to pay wages timely, and 9) unfair business practices.

13 3. More specifically, Plaintiff contends that she was not compensated for all
 14 hours worked, was not paid overtime, were not paid wages on time, was not provided with meal or
 15 rest breaks required by law, was not paid compensation for missed meal and rest breaks, was not
 16 paid full wages owed at the end of their employment, and was not provided with complete and
 17 accurate wage statements as required by law. (Compl. ¶ 17.) Plaintiff alleges that a uniform policy
 18 required employees to work five hours or more in a single day without meal breaks (Compl. ¶ 18), a
 19 uniform policy required employees to work without duty-free rest periods of at least ten minutes for
 20 every four hours worked (Compl. ¶ 19), a uniform policy required employees to work more than
 21 eight hours a day and/or forty hours a week without overtime (Compl. ¶ 20), the applicable Wage
 22 Order was not posted at the job site (Compl. ¶ 21), employees consistently did not receive complete
 23 and accurate wage statements and Defendant did not maintain complete and accurate wage records
 24 (Compl. ¶ 22), employees were not paid wages owed (Compl. ¶¶ 23, 25), and employees did not
 25 receive all owed wages at termination (Compl. ¶ 24).

26 4. In addition to the named Plaintiff's own claims, Plaintiff seeks to represent
 27 several subclasses defined as:

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1 Unpaid Wages Subclass: All current and former employees of
 2 Defendants who worked for Defendants in California and who were
 3 not paid for all hours worked at any time within four (4) years before
 4 the commencement of this action through the date of the order
 5 granting class certification.

6 Meal Period Subclass: All current and former employees of
 7 Defendants who worked for Defendants in California and who were
 8 paid an hourly wage and who did not receive a compliant meal period
 9 at any time within four (4) years before the commencement of this
 10 action through the date of the order granting class certification.

11 Rest Period Subclass: All current and former employees of Defendants
 12 who worked for Defendants in California and who were paid an hourly
 13 wage and who did not receive a compliant rest period at any time
 14 within four (4) years before the commencement of this action through
 15 the date of the order granting class certification.

16 Non-Compliant Wage Statement Subclass: All current and former
 17 employees who are or were employed by Defendants in California and
 18 who were paid any wages and who did not receive a wage statement
 19 from Defendants at any time beginning one (1) year before the
 20 commencement of this action through the date of the order granting
 21 class certification.

22 (Compl. ¶ 28.)

23 5. True and correct copies of the Complaint, Summons, Civil Case Cover Sheet,
 24 General Denial, and Notice of Judicial Assignment and CMC are attached to the Declaration of Ryan
 25 L. Eddings at paragraph 2-3, Exhibits A-E.

6. Plaintiff served Defendant with the documents attached as Exhibits A-C to the
 7 Declaration of Ryan L. Eddings on April 15, 2019. (See Eddings Decl., ¶ 2, Exhibits A-C.)

7. On May 10, 2019, prior to removal, Defendant filed an answer to Plaintiff's
 8 Complaint in the Monterey County Superior Court. A true and correct copy of Defendant's answer
 9 is attached to the Declaration of Ryan L. Eddings, at paragraph 3, Exhibit D.

8. Other than the court proceedings and documents attached to the Declaration of
 9 Ryan L. Eddings as Exhibits A through E, Defendant is not aware of any further proceedings or
 10 filings regarding this case in Monterey County Superior Court.

II. VENUE IS PROPER

9. This action was filed in Monterey County Superior Court. Venue properly
 10 lies in the United States District Court for the Northern District of California pursuant to 28 U.S.C.

1 §§ 84(c)(2), 1391(a), and 1441(a). Venue is also proper because jurisdiction is based on the Class
 2 Action Fairness Act, 28 U.S.C. § 1332 (“CAFA”), and the action may be venued in a judicial district
 3 in which a substantial part of the events or omissions giving rise to the claim occurred. See 28
 4 U.S.C. § 1391(b).

5 **III. DEFENDANT’S REMOVAL IS TIMELY**

6 10. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely in that it
 7 has been filed by Defendant within thirty (30) days after Defendant was served with the Complaint.¹
 8 (See Eddings Decl. ¶ 2, Ex. A.)

9 **IV. STATEMENT OF CAFA JURISDICTION**

10 11. Under CAFA, “[t]he district courts shall have original jurisdiction of any civil
 11 action in which the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of
 12 interest and costs, and is a class action in which ... (A) any member of a class of plaintiffs is a
 13 citizen of a State different from any defendant.” 28 U.S.C. § 1332(d)(2). CAFA authorizes removal
 14 of such actions in accordance with 28 U.S.C. §§ 1441 and 1446.

15 12. As set forth below, this Court has jurisdiction over this case under CAFA, 28
 16 U.S.C. § 1332(d), and this case may be removed pursuant to the provisions of 28 U.S.C. § 1441(a),
 17 because: (a) it is a civil class action; (b) there is diversity between at least one class member and
 18 Defendants; (c) the proposed class contains at least 100 members; (d) Defendants are not a state,
 19 state official, or other governmental entity; and (3) the total amount in controversy for all class
 20 members exceeds \$5,000,000.

21 **A. This is a Class Action**

22 13. This action has been styled as a class action pursuant to California Code of
 23 Civil Procedure § 382. (Complaint, ¶¶ 28-36.) Section 382 is a California statute authorizing an
 24 action to be brought by one or more representative persons as a class action, similar to Federal Rule
 25 of Civil Procedure 23.

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27 28 ¹ Thirty days from the date of service on April 15, 2019 is May 15, 2019.

1 **B. Diversity of Citizenship**

2 14. CAFA's diversity requirement is satisfied when at least one plaintiff is a
 3 citizen of a state in which at least one of the defendants is not a citizen. See 28 U.S.C. §§
 4 1332(d)(2)(A), 1453.

5 15. Plaintiff resided and worked in California during the period relevant to their
 6 lawsuit. (Compl. ¶ 4.) Plaintiff is, therefore, a citizen of the State of California. See 28 U.S.C. §
 7 1332(a)(1) (an individual is a citizen of the state in which he or she is domiciled); State Farm Mut.
 8 Auto. Ins. Co. v. Dyer, 19 F.3d 514, 520 (10th Cir. 1994) (residence is prima facie evidence of
 9 domicile for purposes of determining citizenship).

10 16. Defendant MAGNA LEGAL SERVICES, LLC is a limited liability company
 11 organized under the laws of the State of Pennsylvania, whose principal place of business is located
 12 in the State of Pennsylvania. (Declaration of Maria Capetola ["Capetola Decl."], at ¶ 3.) The sole
 13 member of Defendant MAGNA LEGAL SERVICES, LLC is MLS INTERMEDIATE HOLDINGS,
 14 LLC, a limited liability company organized under the laws of the State of Delaware. (Capetola Decl.
 15 ¶¶4-5.)

16 17. A Limited Liability Corporation is a citizen of any state of which any member
 17 of the company is a citizen. Accordingly, Defendant MAGNA LEGAL SERVICES, LLC is deemed
 18 a citizen of the State of Delaware, as its sole member is a limited liability company organized under
 19 the State of Delaware.

20 18. Accordingly, Plaintiff is a citizen of a state in which at least one of the
 21 defendants, Defendant MAGNA LEGAL SERVICES, LLC, is not a citizen. Therefore, the minimal
 22 diversity requirement of 28 U.S.C. § 1332(d)(2)(A) is satisfied.

23 **C. The Proposed Class Contains at Least 100 Members**

24 19. The total number of individuals who were retailed by Defendant that fall
 25 within the subclasses defined by Plaintiff (Unpaid Wages Subclass, Meal Period Subclass, Rest
 26 Period Subclass, and Non-Compliant Wage Statement Subclass, within four years prior to the filing
 27 of Plaintiff's Complaint (April 10, 2015) is approximately 2,592. (Capetola Decl., ¶8.) Thus, the
 28 putative class is well over the 100-person minimum required for CAFA jurisdiction.

1 **D. Defendants Are Not Governmental Entities**

2 20. Defendant MAGNA LEGAL SERVICES, LLC is not a state, state official, or
 3 other governmental entity. (Capetola Decl., ¶9.)

4 21. Defendant WILKINS RESEARCH SERVICES, LLC is not a state, state
 5 official, or other governmental entity. (Lisa Wilkins Decl., ¶ 4.)

6 **E. Amount in Controversy for CAFA Jurisdiction**

7 22. Plaintiff's Complaint is silent with respect to the amount in controversy for
 8 themselves and the putative class in the aggregate. Under CAFA, where a complaint fails to state
 9 the amount in controversy, the defendant's notice of removal may do so: "...when a defendant seeks
 10 federal-court adjudication, the defendant's amount-in-controversy allegation should be accepted
 11 when not contested by the plaintiff or questioned by the court." Dart Cherokee Basin Operating Co.,
 12 LLC v. Owens, 135 S.Ct. 547, 553 (2014). "[A] defendant's notice of removal need include only a
 13 plausible allegation that the amount in controversy exceeds the jurisdictional threshold. Evidence
 14 establishing the amount is required by § 1446(c)(2)(B) only when the plaintiff contests, or the court
 15 questions, the defendant's allegation." Id. at 554.

16 23. In measuring the amount in controversy, a court must assume that the
 17 allegations of the complaint are true and that a jury will return a verdict for the plaintiff on all claims
 18 made in the complaint." Kenneth Rothschild Trust v. Morgan Stanley Dean Witter, 199 F. Supp. 2d
 19 993, 1001 (C.D. Cal. 2002). "The claims of the individual class members shall be aggregated to
 20 determine whether the matter in controversy exceeds" this amount. 28 U.S.C. § 1332(d)(6). The
 21 ultimate inquiry is what amount is put "in controversy" by the plaintiff's complaint, not what a
 22 defendant will actually owe, if anything. Lewis v. Verizon Comm., Inc., 627 F. 3d 395, 400 (9th
 23 Cir. 2010) ("[T]he amount in controversy is simply an estimate of the total amount in dispute, not a
 24 prospective assessment of defendant's liability.") (emphasis added); Schiller v. David's Bridal, Inc.,
 25 2010 WL 2793650, *6, *27-28 (E.D. Cal. 2010) (recognizing that the ultimate or provable amount
 26 of damages is not what is considered when determining the amount in controversy, but rather the
 27 amount put in controversy by the plaintiff's complaint and holding plaintiff established \$5 million
 28 amount in controversy for purposes of CAFA); Korn v. Polo Ralph Lauren Corp., 536 F. Supp. 2d

1 1199, 1204-05 (E.D. Cal. 2009) (“a removing defendant is not obligated to ‘research, state, and
 2 prove the plaintiff’s claims for damages’” and so would not concede plaintiff’s allegations through
 3 removal) (citations omitted); Ibarra v. Manheim Investments, Inc., 775 F. 3d 1193, 1198 n.1 (9th
 4 Cir. 2015) (“Even when defendants have persuaded a court upon a CAFA removal that the amount
 5 in controversy exceeds \$5 million, they are still free to challenge the actual amount of damages in
 6 subsequent proceedings and at trial.”).

7 24. Defendant denies the validity and merits of Plaintiff’s claims, the legal
 8 theories upon which they are purportedly based, and the claims for monetary and other relief that
 9 flow from Plaintiff’s claims. However, for purposes of removal only, and without conceding that
 10 Plaintiff or the putative class are entitled to any damages, penalties, or other relief, it is readily
 11 apparent that the aggregated claims of the putative class an amount in controversy in excess of the
 12 jurisdictional minimum of \$5,000,000.00, as required by 28 U.S.C. §§ 1332(d)(2) and 1332(d)(6).²

13 **1. Amount in Controversy for Missed Meal Period Claims (\$72,005.76)**

14 25. Plaintiff seeks to recover damages associated with their claims for missed
 15 meal periods. (Compl. ¶¶ 37-44.) Pursuant to the applicable IWC Wage Order and California Labor
 16 Code, Plaintiffs seek to recover one additional hour of pay at their regular rates of pay for each work
 17 day that required a meal period and a meal period was not provided. (See Compl. ¶ 41.)

18 26. The Supreme Court of California has held that the statute of limitations on
 19 actions for missed meal periods is three years, Murphy v. Kenneth Cole Productions, Inc., 40 Cal.4th
 20 1094, 1114 (2007), potentially expanded to four years via Plaintiffs’ claim for unfair competition,
 21 see Cortez v. Purolator Air Filtration Products Co., 23 Cal.4th 163, 177-78 (claims for wages
 22 unlawfully withheld can be recovered in an unfair competition law claim, with its four year statute of
 23 limitations).

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25 ² Per Dart Cherokee Basin Operating Co., LLC v. Owens, 135 S.Ct. 547, 553 (2014), Defendant need only provide
 26 allegations that plausibly support the conclusion that the jurisdictional requirements for removal have been met, and need
 27 not submit evidence with a notice of removal. The allegations in this notice of removal provide a rough estimate of the
 28 amount in controversy in order to demonstrate that the jurisdictional minimum has been met. Per Dart Cherokee,
 Defendant possess the right to supplement these allegations with additional and more specific evidence of the amount in
 controversy if Plaintiff challenges removal.

1 27. Within the statute of limitations period (April 10, 2015 to the present),
 2 approximately 2,592 jury researchers retained by Defendants. (Capetola Decl., ¶8.) The jury
 3 researchers worked at minimum one shift, earning approximately \$225-\$300 per shift. (Capetola
 4 Decl., ¶8.) It is Defendant's contention that the jury researchers retained by Defendant are properly
 5 classified as independent contractors, and not employees. (Capetola Decl., ¶7.) However, based
 6 upon the allegations in Plaintiff's complaint, Plaintiff contends that she and all other jury researchers
 7 retained by Defendant should have been classified as employees of Defendant and all jury
 8 researchers retained by Defendant are members of the putative class defined by Plaintiff. (Capetola
 9 Decl., ¶7.) Accordingly, approximating an hourly amount, a jury researcher could receive anywhere
 10 from approximately \$27.78 to \$33.33 per hour. (Capetola Decl., ¶8.)

11 28. For purposes of removal, Defendant assumes that each jury researcher missed
 12 at least one meal period. This is based upon the allegations in Plaintiff's Complaint, wherein
 13 Plaintiff alleges that Defendant maintained a uniform policy requiring individuals to work without
 14 receiving a meal period. (Compl. ¶ 18.)

15 29. Given 2,592 approximate jury researchers and one shift worked per jury
 16 researcher, the amount placed in controversy by Plaintiff's minimum meal period claim is, at a
 17 minimum, \$72,005.76 (2,592 approximate jury researchers x \$27.78 approximate minimum per hour
 18 calculation x 1 day worked). The actual amount in controversy would exceed this estimate to the
 19 extent that individuals worked more than one shift for Defendant.

20 **2. Amount in Controversy for Missed Rest Period Claims (\$72,005.76)**

21 30. Plaintiff seeks to recover damages associated with their claims for missed rest
 22 periods. (Compl. ¶¶ 37-44.) Pursuant to the applicable IWC Wage Order and California Labor
 23 Code, Plaintiffs seek to recover one additional hour of pay at their regular rates of pay for each work
 24 day that required a rest period and a rest period was not provided. See Complaint, ¶ 51.

25 31. The Supreme Court of California has held that the statute of limitations on
 26 actions for missed rest periods is three years, Murphy v. Kenneth Cole Productions, Inc., 40 Cal.4th
 27 1094, 1114 (2007), potentially expanded to four years via Plaintiffs' claim for unfair competition,
 28 see Cortez v. Purolator Air Filtration Products Co., 23 Cal.4th 163, 177-78 (claims for wages

1 unlawfully withheld can be recovered in an unfair competition law claim, with its four year statute of
 2 limitations).

3 32. For purposes of removal, Defendant assumes that each jury researcher missed
 4 at least one rest period. This is based upon the allegations in Plaintiff's Complaint, wherein Plaintiff
 5 alleges that Defendant maintained a uniform policy requiring individuals to work without receiving a
 6 rest period. (Compl. ¶ 19.)

7 33. Given 2,592 approximate jury researchers and one shift worked per jury
 8 researcher, the amount placed in controversy by Plaintiff's minimum wage claims is, at a minimum,
 9 \$72,005.76 (2,592 approximate jury researchers x \$27.78 approximate minimum per hour
 10 calculation x 1 day worked). The actual amount in controversy would exceed this estimate to the
 11 extent that individuals worked more than one shift for Defendant.

12 **3. Amount in Controversy for Unpaid Wages Claims (\$72,005.76)**

13 34 Plaintiff seeks to recover damages associated with their claims of unpaid
 14 overtime and unpaid minimum wages. (Compl. ¶¶ 53-79.)

15 35. The Supreme Court of California has held that the statute of limitations for
 16 unpaid wages is three years, extended to four when unpaid wages are sought pursuant to a claim
 17 under California's Unfair Competition Law. Cortez v. Purolator Air Filtration Products, Co., 23
 18 Cal.4th 163, 178-79.

19 36. For purposes of removal, Defendant assumes that each jury researcher
 20 performed 1 hour of uncompensated work every day they worked. This is based upon the
 21 allegations in Plaintiff's Complaint, wherein Plaintiff alleges that employees were required to record
 22 an uncompensated one-hour meal period while continuing to perform compensable work. (See
 23 Compl. ¶ 73.)

24 37. Given 2,592 approximate jury researchers and one shift worked per jury
 25 researcher, the amount placed in controversy by Plaintiff's minimum wage claims is, at a minimum,
 26 \$72,005.76 (2,592 approximate jury researchers x \$27.78 approximate minimum per hour
 27 calculation x 1 day worked). The actual amount in controversy would exceed this estimate to the
 28 extent that the uncompensated hour of work was to be paid at overtime rates, as Plaintiff alleges in

1 the Complaint.

2 **4. Amount in Controversy for Wage Statement Claims (\$5,328,000.00)**

3 38. Plaintiff seeks to recover damages associated with their claims of inaccurate
4 wage statements. (Compl. §§ 80-91.)

5 39. The statute of limitations on actions under Labor Code section 226 is one
6 year. See Cal. Civ. Proc. Code § 340(a); Blackwell v. SkyWest Airlines, Inc., 245 F.R.D. 453, 462
7 (S.D. Cal. 2007) (recovery under Labor Code § 226(a) constitutes a penalty and therefore is
8 governed by a one-year statute of limitations under Code of Civil Procedure § 340(a)).

9 40. Within the statute of limitations period (April 10, 2018 to the present),
10 approximately 1,332 jury researchers were retained by Defendants. (Capetola Decl., ¶ 8.)

11 41. For purposes of removal, Defendant assumes each putative class member is
12 entitled to recover for at least one violation. This is based upon Plaintiff's allegation that Defendant
13 regularly and consistently failed to provide putative class members with complete and accurate wage
14 statements. (Compl. ¶ 84.) Labor Code § 226(e) provides aggrieved employees with a statutory
15 penalty equal to the greater of actual damages or \$50 for the initial pay period in which a violation
16 occurs, and \$100 per employee for each violation in a subsequent pay period, up to a maximum of
17 \$4,000 per employee.

18 42. Applying a maximum penalty of \$4,000 per employee, for a putative class of
19 approximately 1,332, the amount in controversy for Plaintiff's wage statement claims is, at a
20 minimum, \$5,328,000.00 (1,332 approximate jury researchers x \$4,000 maximum recovery per
21 employee).

22 **5. Amount in Controversy for Unpaid Wages at Termination
23 (\$16,200,000.00)**

24 43. Plaintiff seeks to recover damages associated with their claims for unpaid
25 wages owed at termination. (Compl. §§ 102-107.) Plaintiffs seek recovery of the penalty
26 established by California Labor Code section 203, which provides that the wages of such employees
27 "...shall continue as a penalty from the due date thereof at the same rate until paid or until an action
therefor is commenced; but the wages shall not continue for more than 30 days."

1 44. The Supreme Court of California has held that the statute of limitations on
 2 actions for waiting time penalties is three years. Pineda v. Bank of America, N.A., 50 Cal.4th 1389,
 3 1398-1401 (2010).

4 45. Within the statute of limitations period (April 10, 2016 to the present),
 5 approximately 2,160 putative class members have been discharged from any alleged employment
 6 relationship with Defendant.

7 46. For purposes of removal, Defendant assumes that each of the 2,160 putative
 8 class members who have been terminated from employment is entitled to recover waiting time
 9 penalties for 30 days at the same daily rate they earned while employed. Therefore, the aggregate
 10 amount of penalties in controversy would be approximately \$16,200,000.00 (2,160 approximate jury
 11 researchers x approximately \$250 per day x 30 days worked).

12 **6. Amount in Controversy for Attorneys' Fees (\$500,000.00)**

13 47. Plaintiffs also seek attorneys' fees. Attorneys' fees must be included when
 14 assessing the amount in controversy for removal purposes. Galt G/S v. JSS Scandinavia, 142 F.3d
 15 1150, 1156 (9th Cir. 1998). Attorneys' fees awards in California wage and hour class actions can
 16 total hundreds of thousands of dollars or more. See, e.g., Willner v. Manpower Inc., 2015 U.S. Dist.
 17 LEXIS 80697, at *30 (N.D. Cal. June 20, 2015) (awarding \$2.625 million in attorneys' fees in class
 18 action involving allegations that employer failed to provide accurate wage statements and timely
 19 wage payments in violation of the California Labor Code on behalf of class of 20,000 temporary
 20 workers); Pellegrino v. Robert Half Int'l, Inc., 182 Cal. App. 4th 278, 287, 296 (2010) (affirming
 21 \$558,926.85 in attorneys' fees in case involving wage statement and exemption misclassification
 22 claims, but reversing as to multiplier); Amaral v. Cintas Corp. No. 2, 163 Cal. App. 4th 1157, 1216-
 23 18 (2008) (affirming award of \$727,000 in attorneys' fees plus a multiplier that equated to total fees
 24 of \$1,199,550 in class action involving alleged wage statement violations and violations of a living
 25 wage ordinance, unfair competition and contract claims); Jasso v. Money Mart Express, Inc., 2012
 26 U.S. Dist. LEXIS 27215 (N.D. Cal. Mar. 1, 2012) ("[I]t is well established that the Ninth Circuit has
 27 established 25% of the common fund as a benchmark award for attorney fees."). The Court should
 28 therefore consider attorneys' fees of at least \$500,000 as part of the amount in controversy.

1 **7. Total Amount in Controversy**

2 48. Plaintiff's claims for meal periods, rest periods, unpaid wages, wage
 3 statements, and waiting time penalties place at least the following amounts in controversy:

- 4 a. Meal Periods: \$72,005.76
- 5 b. Rest Periods: \$72,005.76
- 6 c. Unpaid Wages: \$72,005.76
- 7 d. Wage Statements: 5,328,000.00
- 8 e. Waiting Time Penalties: \$16,200,000.00
- 9 f. Attorneys' Fees: \$500,000.00

10 49. Defendant denies Plaintiff's claims of wrongdoing and deny that Plaintiff and
 11 putative class members can recover any monies. However, the facial allegations in Plaintiff's
 12 Complaint establish that the total amount in controversy significantly exceeds CAFA's minimum
 13 threshold.

14 **V. NOTICE TO PLAINTIFF AND THE STATE COURT**

15 50. Promptly after filing this Notice of Removal in the United States District
 16 Court for the Northern District of California, and pursuant to 28 U.S.C. § 1446(d), written notice of
 17 such filing will be served on Plaintiffs' counsel of record. (Eddings Decl., ¶4.) In addition, a copy
 18 of the Notice of Removal will be promptly filed with the Clerk of the Court for Monterey County
 19 Superior Court. (Eddings Decl., ¶4.)

20 WHEREFORE, having provided notice as required by law, Defendants request that
 21 the above referenced action be removed from the Merced County Superior Court to this Court, that
 22 this Court make such other orders as may be appropriate to effect the preparation and filing of a true
 23 record in this cause of all proceedings that may have been had in the state court action, and that this
 24 Court assume jurisdiction over this matter.

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1 Dated: May 15, 2019
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/s/ Laura E. Stecker _____
RYAN L. EDDINGS
ANDREW H. WOO
LAURA E. STECKER
LITTLER MENDELSON, P.C.
Attorneys for Defendant
MAGNA LEGAL SERVICES, LLC

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